

Message

From: LeFleur, Lance R [llefleur@adem.alabama.gov]
Sent: 10/3/2017 7:45:43 PM
To: Minoli, Kevin [Minoli.Kevin@epa.gov]
Subject: RE: Following Up on Our Call

Please call me at Ex. 6 Personal Privacy (PP)
 thx

From: Minoli, Kevin [mailto:Minoli.Kevin@epa.gov]
Sent: Tuesday, October 03, 2017 2:44 PM
To: LeFleur, Lance R
Subject: Re: Following Up on Our Call

I am happy to call you. Please let me know the best number to reach you on. Thanks, Kevin

Kevin S. Minoli
 Acting General Counsel
 Office of General Counsel
 US Environmental Protection Agency
 Main Office Line: 202-564-8040

On Oct 3, 2017, at 2:51 PM, LeFleur, Lance R <llefleur@adem.alabama.gov> wrote:

Let's talk at 4:45 EDT. Would you like to call me or shall I call you?
 Thanks
 Lance

From: Minoli, Kevin [mailto:Minoli.Kevin@epa.gov]
Sent: Tuesday, October 03, 2017 1:40 PM
To: LeFleur, Lance R
Subject: RE: Following Up on Our Call

Hi Lance- I apologize for my delay in responding to your email. I am headed over to the Department of Justice now, but could speak with you at 4:45 or 5:30 Eastern (or at any time later than 5:30). Please let me know if there is a time that works for you. Thanks, Kevin

Kevin S. Minoli
 Acting General Counsel
 Office of General Counsel
 US Environmental Protection Agency
 Main Office Line: 202-564-8040

From: LeFleur, Lance R [mailto:llefleur@adem.alabama.gov]
Sent: Monday, October 02, 2017 4:11 PM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: RE: Following Up on Our Call

Kevin
 I will be out of the country from 10/5 -10/13 and would like to talk with you before I leave.
 Can you be available for a telephone call tomorrow? Let me know a time that will work for you.

Lance

From: Minoli, Kevin [<mailto:Minoli.Kevin@epa.gov>]
Sent: Tuesday, July 18, 2017 9:27 PM
To: LeFleur, Lance R
Subject: Re: Following Up on Our Call

Glad to hear that and 11:00 DC time works for me. Talk with you tomorrow. Kevin

Kevin S. Minoli
Acting General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

On Jul 18, 2017, at 9:00 PM, LeFleur, Lance R <llefleur@adem.alabama.gov> wrote:

Biscuits doing well. How about if I call you at 11:00 am your time?
Thx
Lance

Sent from my iPhone

On Jul 18, 2017, at 5:49 PM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

Lance- Thank you for your reply. I suggest that you and I have an initial conversation just the two of us to ensure we are on the same page in how best to lead our organizations through the next phase and on to resolution of these two complaints and documentation of ADEM's efforts. I can be available between 10:30-12:00 if there is a 30 minute window in there that would work for you. If we would like to after we have talked, I am happy to also set up a call in the afternoon where I convey the information to your team with my team on the line. I think it will be helpful to do that after you and I speak so that we can get our messaging right to keep our staff focused on our shared goals here.

Please let me know what works best within that window tomorrow morning.

Kevin
[And despite the Nationals having three starters on the disabled list, they have a 10.5 game lead in their division, so I am a happy guy. How are the Biscuits doing?]

Kevin S. Minoli
Acting General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

From: LeFleur, Lance R [<mailto:llefleur@adem.alabama.gov>]
Sent: Tuesday, July 18, 2017 4:39 PM

To: Minoli, Kevin <Minoli.Kevin@epa.gov>

Subject: RE: Following Up on Our Call

Kevin

Thank you for your emails. As you no doubt know by now, I am not in Washington at the ECOS meeting. I will be in the office all day tomorrow (Wednesday) but will be out on Thursday and Friday. I am fine with having our conversation either with or without others in listen mode. I can be available any time on Wednesday for a telephone call. If Wednesday doesn't work for you we can talk when you get back in the office after next week.

It is understood that our conversations at this point are deliberative and are not appropriate for wider dissemination. I believe a conversation of draft preliminary findings would be helpful to all concerned especially if there is any additional information that needs to be considered. Given that we have been working on both the ADEM non-discrimination program and the specific Title VI complaints for years, I would be surprised and disappointed if there are any Title VI compliance issues ECRCO has not already brought up or if it turns out there is information ADEM has failed to make available to ECRCO in our extensive discussions during the last months and years, but it would be best to make sure all matters have been addressed.

We are firmly convinced that ADEM's extraordinary efforts to develop a model non-discrimination program, in part by implementing virtually every recommendation from EPA both in the 2004 audit and the most recent review, have resulted in a program and individual actions that will withstand the scrutiny of any objective reviewing authority and found to be fully compliant with Title VI.

My thanks to you and Lilian for your work to bring these matters to a conclusion.

Go Nationals!

Best regards

Lance

From: Minoli, Kevin [<mailto:Minoli.Kevin@epa.gov>]

Sent: Monday, July 17, 2017 7:34 PM

To: LeFleur, Lance R

Subject: Re: Following Up on Our Call

Lance- I share your understanding of the three weeks as a target for an interim step, not the end of the process and not one that limits our options moving forward. I want to underscore that the same is true for a call where we discuss where the agency is in its evaluation as of today; having that call will not limit our options moving forward, but at the end of that call or shortly thereafter we will need to determine whether to pursue an agreement that resolves the two complaints and documents the actions you have or will take as part of your commitment, or to separate the resolution letter and the voluntary actions into two documents issued at the same time.

Please do take your time to review and then get back to me when you are ready. Between the ECOS meeting and an EPA Senior Leadership meeting, I am in meetings the entire day on Tuesday as it is, so no rush.

Thank you, Kevin

Kevin S. Minoli
Acting General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

On Jul 17, 2017, at 7:51 PM, LeFleur, Lance R
<llefleur@adem.alabama.gov> wrote:

Kevin

Thank you for your email. I would like to fully digest it tomorrow and get back to you. The three week target was understood to be approximate especially if the scope is expanded so I don't want timing to keep us from arriving at the right solution. I'll be back to you tomorrow.

Thanks
Lance

Sent from my iPhone

On Jul 17, 2017, at 6:37 PM, Minoli, Kevin
<Minoli.Kevin@epa.gov> wrote:

Hi Lance- When we spoke on June 23, 2017, I indicated that I expected EPA would need three weeks to prepare draft preliminary findings and provide those to me so that I could call you to discuss the Dothan (EPA file No. 13r-16-r4) and Arrowhead (EPA File No. 12R-13-R4) Title VI Complaints within that framework. [Note that the third complaint we received earlier in 2017, Tallassee II (EPA File No. 16R-17-R4), is at the initial stages of review processing and so we are not prepared to discuss that complaint at this time.] While this is technically the Monday of the fourth week, it is the first business day following that three week window and I am writing to let you know that I am prepared to have the conversation we discussed on June 23rd.

I see two options for the call, one would be it is just you and I on the call and once I have conveyed our results to you we can decide at the end of the call about how best to move forward and engage our staffs, or we could set the call up as a conversation between you and I where we each could have the key members of our teams listen (but not chime in) to our conversation. If you are here for the ECOS meeting, I am happy to try and have the conversation in person before you leave DC. I would, however, like to have our conversation this week if possible as I am scheduled to take time away from the office all next week. It is important to note that my expectation is that you and ADEM do not disclose these draft preliminary findings beyond those at ADEM who have a need to know them, as the agency case resolution manual and practice includes provisions regarding outreach to the complainants in the process and it is important that EPA be the one to communicate information with them throughout the process; a premature public release of our conversation would be very problematic.

I refer to these as "draft preliminary findings" as they represent our evaluation of the complaints at this time based on the information we have before us, but they are not yet final formal findings. Without saying what I will convey when we talk in this email, I will note to ensure we have a shared understanding that if we were to issue final formal findings, and any of those found non-compliance, that would require an additional formal corrective actions process between ADEM and EPA to resolve. It is possible that, through or after our conversation, we may determine the best course forward is an informal resolution agreement that would obviate the need to make formal findings.

After the call, I would also like us to agree upon a resumption of the

conversation between our teams regarding your commitment to make ADEM a model Title VI program. As you said when we met in Montgomery and again on the 23rd, you want EPA to be able to point other states to ADEM as evidence of what can be done even in a state where your funding is limited, and you have offered to be a resource to other states who want to make the commitment to civil rights that you personally and your staff have made for ADEM. I am in receipt of your letter to me of June 30, 2017, detailing the actions ADEM has chosen voluntarily to take to strengthen its program as part of your commitment and a result of EPA's corresponding commitment to assist states in their efforts to strengthen the capacity of their EPA-related programs. I provided that letter to my team today as they completed their evaluation of the complaints and the actions you had taken at the beginning of the three week period, so please note they did not evaluate the latest set of actions ADEM has taken in their review. As the findings are preliminary, any actions that speak to issues that would be addressed in a letter of findings will be considered should we move to finalize our findings. Any remaining actions already taken, together with any additional actions ADEM and EPA determine are necessary or appropriate for a model program and which ADEM commits to take over an appropriate amount of time in the future, will be clearly described as such in either an informal resolution agreement or a stand-alone document issued at the same time as a letter of findings.

I want to thank you for your leadership on Title VI at ADEM. Your personal commitment building a model civil rights program has been and will continue to be essential to our work with you and your team, and will be essential to ADEM achieving your goal of being a state EPA holds out to others as an example of what they can do

right. Please let me know when you would be available for a call.

Thanks, Kevin

Kevin S. Minoli
Acting General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040